

109TH CONGRESS
1ST SESSION

S. 1967

To amend title 18, United States Code, with respect to certain activities of the Secret Service, and for other purposes.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 7, 2005

Mr. SPECTER introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To amend title 18, United States Code, with respect to certain activities of the Secret Service, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Secret Service Author-
5 ization and Technical Modification Act of 2005”.

6 **SEC. 2. INTERFERENCE WITH NATIONAL SPECIAL SECU-**
7 **RITY EVENTS.**

8 (a) IN GENERAL.—Section 1752 of title 18, United
9 States Code, is amended—

10 (1) in subsection (a)—

1 (A) by amending paragraph (1) to read as
2 follows:

3 “(1) willfully and knowingly to enter or remain
4 in any posted, cordoned off, or otherwise restricted
5 area of a building or grounds where the President
6 or other person protected by the Secret Service is or
7 will be temporarily visiting;”;

8 (B) by redesignating paragraphs (2), (3),
9 and (4) as paragraphs (3), (4), and (5), respec-
10 tively;

11 (C) by inserting after paragraph (1) the
12 following new paragraph:

13 “(2) willfully and knowingly to enter or remain
14 in any posted, cordoned off, or otherwise restricted
15 area of a building or grounds so restricted in con-
16 junction with an event designated as a special event
17 of national significance;”;

18 (D) in paragraph (3), as redesignated by
19 subparagraph (B)—

20 (i) by inserting “willfully, knowingly,
21 and” before “with intent to impede or dis-
22 rupt”;

23 (ii) by striking “designated” and in-
24 serting “described”; and

1 (iii) by inserting “or (2)” after “para-
2 graph (1)”;

3 (E) in paragraph (4), as redesignated by
4 subparagraph (B)—

5 (i) by striking “designated or enumer-
6 ated” and inserting “described”; and

7 (ii) by inserting “or (2)” after “para-
8 graph (1)”;

9 (F) in paragraph (5), as redesignated by
10 subparagraph (B)—

11 (i) by striking “designated or enumer-
12 ated” and inserting “described”; and

13 (ii) by inserting “or (2)” after “para-
14 graph (1)”;

15 (2) by amending subsection (b) to read as fol-
16 lows:

17 “(b) Violation of this section, and attempts or con-
18 spiracies to commit such violations, shall be punishable
19 by—

20 “(1) a fine under this title or imprisonment for
21 not more than 10 years, or both, if the offense is
22 committed while in possession of a deadly or dan-
23 gerous weapon, or results in bodily injury; and

(3) by striking subsection (d) and redesignating subsections (e) and (f) as subsections (d) and (e), respectively.

7 (b) CLERICAL AMENDMENT.—(1) The heading of
8 such section is amended to read as follows:

10 (2) The item relating to such section in the table of
11 sections at the beginning of chapter 84 of such title is
12 amended to read as follows:

13 SEC. 3. FALSE CREDENTIALS TO NATIONAL SPECIAL SECU-
14 RITY EVENTS.

15 Section 1028 of title 18, United States Code, is
16 amended—

(1) in subsection (a)(6), by inserting “or a sponsoring entity of an event designated as a special event of national significance” after “States”;

(2) in subsection (c)(1), by inserting “or a
sponsoring entity of an event designated as a special
event of national significance” after “States”;

(3) in subsection (d)(3), by inserting “a sponsoring entity of an event designated as a special

1 event of national significance,” after “political sub-
 2 division of a State,”; and

3 (4) in each of subsections (d)(4)(B) and
 4 (d)(6)(B), by inserting “a sponsoring entity of an
 5 event designated by the President as a special event
 6 of national significance,” after “political subdivision
 7 of a State,”.

8 **SEC. 4. FORENSIC AND INVESTIGATIVE SUPPORT OF MISS-**
 9 **ING AND EXPLOITED CHILDREN CASES.**

10 Section 3056(f) of title 18, United States Code, is
 11 amended by striking “officers and agents of the Secret
 12 Service are” and inserting “the Secret Service is”.

13 **SEC. 5. TRANSFER OF THE UNIFORMED DIVISION, UNITED**
 14 **STATES SECRET SERVICE.**

15 (a) IN GENERAL.—Chapter 203 of title 18, United
 16 States Code, is amended by inserting after section 3056
 17 the following:

18 **“§ 3056A. Powers, authorities, and duties of United**
 19 **States Secret Service Uniformed Division**

20 “(a) There is hereby created and established a per-
 21 manent police force, to be known as the ‘United States
 22 Secret Service Uniformed Division’. Subject to the super-
 23 vision of the Secretary of Homeland Security, the United
 24 States Secret Service Uniformed Division shall perform
 25 such duties as the Director, United States Secret Service,

1 may prescribe in connection with the protection of the fol-
2 lowing:

3 “(1) The White House in the District of Colum-
4 bia.

5 “(2) Any building in which Presidential offices
6 are located.

7 “(3) The Treasury Building and grounds.

8 “(4) The President, the Vice President (or
9 other officer next in the order of succession to the
10 Office of President), the President-elect, the Vice
11 President-elect, and their immediate families.

12 “(5) Foreign diplomatic missions located in the
13 metropolitan area of the District of Columbia.

14 “(6) The temporary official residence of the
15 Vice President and grounds in the District of Co-
16 lumbia.

17 “(7) Foreign diplomatic missions located in
18 metropolitan areas (other than the District of Co-
19 lumbia) in the United States where there are located
20 twenty or more such missions headed by full-time of-
21 ficers, except that such protection shall be provided
22 only—

23 “(A) on the basis of extraordinary protec-
24 tive need;

1 “(B) upon request of the affected metro-
2 politan area; and

3 “(C) when the extraordinary protective
4 need arises at or in association with a visit to—

5 “(i) a permanent mission to, or an ob-
6 server mission invited to participate in the
7 work of, an international organization of
8 which the United States is a member; or

9 “(ii) an international organization of
10 which the United States is a member;

11 except that such protection may also be pro-
12 vided for motorcades and at other places associ-
13 ated with any such visit and may be extended
14 at places of temporary domicile in connection
15 with any such visit.

16 “(8) Foreign consular and diplomatic missions
17 located in such areas in the United States, its terri-
18 tories and possessions, as the President, on a case-
19 by-case basis, may direct.

20 “(9) Visits of foreign government officials to
21 metropolitan areas (other than the District of Co-
22 lumbia) where there are located twenty or more con-
23 sular or diplomatic missions staffed by accredited
24 personnel, including protection for motorcades and
25 at other places associated with such visits when such

1 officials are in the United States to conduct official
2 business with the United States Government.

3 “(10) Former Presidents and their spouses, as
4 provided in section 3056(a)(3) of title 18.

5 “(11) An event designated under section
6 3056(e) of title 18 as a special event of national sig-
7 nificance.

8 “(12) Major Presidential and Vice Presidential
9 candidates and, within 120 days of the general Pres-
10 idential election, the spouses of such candidates, as
11 provided in section 3056(a)(7) of title 18.

12 “(13) Visiting heads of foreign states or foreign
13 governments.

14 “(b)(1) Under the direction of the Director of the Se-
15 cret Service, members of the United States Secret Service
16 Uniformed Division are authorized to—

17 “(A) carry firearms;

18 “(B) make arrests without warrant for any of-
19 fense against the United States committed in their
20 presence, or for any felony cognizable under the laws
21 of the United States if they have reasonable grounds
22 to believe that the person to be arrested has com-
23 mitted or is committing such felony; and

24 “(C) perform such other functions and duties
25 as are authorized by law.

1 “(2) Members of the United States Secret Service
 2 Uniformed Division shall possess privileges and powers
 3 similar to those of the members of the Metropolitan Police
 4 of the District of Columbia.

5 “(c) Members of the United States Secret Service
 6 Uniformed Division shall be furnished with uniforms and
 7 other necessary equipment.

8 “(d) In carrying out the functions pursuant to para-
 9 graphs (7) and (9) of subsection (a), the Secretary of
 10 Homeland Security may utilize, with their consent, on a
 11 reimbursable basis, the services, personnel, equipment,
 12 and facilities of State and local governments, and is au-
 13 thorized to reimburse such State and local governments
 14 for the utilization of such services, personnel, equipment,
 15 and facilities. The Secretary of Homeland Security may
 16 carry out the functions pursuant to paragraphs (7) and
 17 (9) of subsection (a) by contract. The authority of this
 18 subsection may be transferred by the President to the Sec-
 19 retary of State. In carrying out any duty under para-
 20 graphs (7) and (9) of subsection (a), the Secretary of
 21 State is authorized to utilize any authority available to the
 22 Secretary under title II of the State Department Basic
 23 Authorities Act of 1956.”.

24 (b) AMENDMENT TO TABLE OF SECTIONS.—The
 25 table of sections at the beginning of chapter 203 of title

1 18, United States Code, is amended by inserting after the
 2 item relating to section 3056 the following new item:

“3056A. Powers, authorities, and duties of United States Secret Service Uniformed Division.”.

3 (c) CONFORMING REPEAL TO EFFECTUATE TRANS-
 4 FER.—Chapter 3 of title 3, United States Code, is re-
 5 pealed.

6 (d) CONFORMING AMENDMENTS TO LAWS AFFECT-
 7 ING DISTRICT OF COLUMBIA.—(1) Section 1537(d) of
 8 title 31, United States Code, is amended—

9 (A) by striking “and the Executive Protective
 10 Service” and inserting “and the Secret Service Uniformed Division”; and
 11

12 (B) by striking “their protective duties” and all
 13 that follows and inserting “their protective duties
 14 under sections 3056 and 3056A of title 18.”

15 (2) Section 204(e) of the State Department Basic
 16 Authorities Act (sec. 6–1304(e), D.C. Official Code) is
 17 amended by striking “section 202 of title 3, United States
 18 Code, or section 3056” and inserting “sections 3056 or
 19 3056A”.

20 (3) Section 214(a) of the State Department Basic
 21 Authorities Act (sec. 6–1313(a), D.C. Official Code) is
 22 amended by striking “sections 202(8) and 208 of title 3”
 23 and inserting “section 3056A(a)(7) and (d) of title 18”.

1 (e) ADDITIONAL CONFORMING AMENDMENTS.—Title
 2 12, United States Code, section 3414, “Special proce-
 3 dures”, is amended by striking “3 U.S.C. 202” in sub-
 4 section (a)(1)(B) and inserting “18 U.S.C. 3056A”.

5 (f) The State Department Basic Authorities Act of
 6 1956 is amended—

7 (1) in the first sentence of section 37(c) (22
 8 U.S.C. 2709(c)), by striking “section 202 of title 3,
 9 United States Code, or section 3056 of title 18,
 10 United States Code” and inserting “section 3056 or
 11 3056A of title 18, United States Code”;

12 (2) in section 204(e) (22 U.S.C. 4304(e)), by
 13 striking “section 202 of title 3, United States Code,
 14 or section 3056 of title 18, United States Code” and
 15 inserting “section 3056 or 3056A of title 18, United
 16 States Code”; and

17 (3) in section 214(a) (22 U.S.C. 4314(a)), by
 18 striking “sections 202(7) and 208 of title 3, United
 19 States Code” and inserting “subsections (a)(7) and
 20 (d) of section 3056A of title 18, United States
 21 Code”.

22 (g) Section 8D(a)(1)(F) of the Inspector General Act
 23 of 1978 (5 U.S.C. App.) is amended by striking “section
 24 202 of title 3” and inserting “section 3056A of title 18”.

1 (h) Section 8I(a)(1)(E) of the Inspector General Act
 2 of 1978 (5 U.S.C. App.) is amended by striking “section
 3 202 of title 3” and inserting “section 3056A of title 18”.

4 **SEC. 6. SAVINGS PROVISIONS.**

5 (a) RETIREMENT BENEFITS.—This Act does not af-
 6 fect the retirement benefits of current employees or annu-
 7 itants that existed on the day before the effective date of
 8 this Act.

9 (b) AUTHORITY OF SECRETARY OF STATE.—This
 10 Act does not affect any Executive Order transferring to
 11 the Secretary of State the authority of section 208 of title
 12 3 (now section 3056A(d) of title 18) in effect on the day
 13 before the effective date of this Act.

14 **SEC. 7. MAINTENANCE AS DISTINCT ENTITY.**

15 Section 3056 of title 18, United States Code, is
 16 amended by adding the following at the end of the section:

17 “(g) The United States Secret Service shall be main-
 18 tained as a distinct entity within the Department of
 19 Homeland Security and shall not be merged with any
 20 other Department function. No personnel and operational
 21 elements of the United States Secret Service shall report
 22 to an individual other than the Director of the United
 23 States Secret Service, who shall report directly to the Sec-
 24 retary of Homeland Security without being required to re-
 25 port through any other official of the Department.”.

1 **SEC. 8. EXEMPTIONS FROM THE FEDERAL ADVISORY COM-**
2 **MITTEE ACT.**

3 (a) ADVISORY COMMITTEE REGARDING PROTECTION
4 OF MAJOR PRESIDENTIAL AND VICE PRESIDENTIAL CAN-
5 DIDATES.—Section 3056(a)(7) of title 18, United States
6 Code, is amended by inserting “The committee shall not
7 be subject to the Federal Advisory Committee Act (5
8 U.S.C. App.).” after “other members of the Committee.”.

9 (b) ELECTRONIC CRIMES TASK FORCES.—Section
10 105 of Public Law 107–56 (18 U.S.C. 3056 note) is
11 amended by inserting “The electronic crimes task forces
12 shall not be subject to the Federal Advisory Committee
13 Act (5 U.S.C. App.).” after “financial payment systems.”.

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